

should describe the nature of the issues or facts to be discussed and the reasons why written submissions are insufficient to adequately address these facts or issues.

**§ 516.130 Where do I file my comment?**

You must file your comment with the OTS office(s) set forth at § 516.1(c). If you request an informal meeting under § 516.170, you must simultaneously send a copy of the request to the applicant.

**§ 516.140 When do I file my comment?**

(a) *General.* Except as provided in paragraph (b) of this section, you must file a written comment with the OTS within 25 days after the application is filed with the OTS.

(b) *Late-filed comments.* The OTS will consider your late-filed comment if:

(1) Within the comment period, you demonstrate to the OTS good cause why you could not submit a timely comment; and

(2) The OTS concludes that your comment addresses a significant regulatory concern and will assist in disposing of the application.

**§ 516.150 Will I have additional opportunities to discuss the application?**

The OTS may provide you with additional opportunities to discuss the application in informal or formal meetings under subpart D of this part.

**Subpart D—Meeting Procedures**

SOURCE: 62 FR 64144, Dec. 4, 1997, unless otherwise noted.

**§ 516.160 What does this subpart do?**

This subpart contains informal and formal meeting procedures. It applies whenever a regulation incorporates the procedures in this subpart, or when otherwise required by the OTS.

**§ 516.170 What procedures govern informal meetings on applications?**

(a) *When will the OTS arrange an informal meeting?* The OTS may arrange an informal meeting with the applicant, commenters, or any other interested persons to clarify and narrow the issues and to facilitate the resolution of the issues. If a commenter has filed

a written request for an informal meeting containing the information described at § 516.120(b), the OTS will arrange an informal meeting. The OTS also may arrange an informal meeting on its own initiative.

(b) *What action will the OTS take on an informal meeting request?* The OTS will inform the applicant and commenters requesting an informal meeting of the OTS decision on a request for an informal meeting, or of its decision to hold an informal meeting on its own initiative.

(c) *How will the OTS inform the informal meeting participants of the date, time, location and format for the informal meeting?* The OTS will invite the applicant and the commenter filing the request for the informal meeting. The OTS may also invite any other interested persons to attend. The OTS will inform the participants of the date, time, location, and format for the informal meeting a reasonable time in advance of the informal meeting.

(d) *What procedures will govern the conduct of the informal meeting?* The OTS may hold informal meetings in any format, including a telephone conference or face-to-face meeting.

(e) *Will there be an additional opportunity to discuss the application?* Within three days after the informal meeting, any participant in the informal meeting may request the OTS to hold a formal meeting under § 516.180. The participant should describe the nature of the issues or facts to be presented and the reasons why a formal meeting is necessary to make an adequate presentation of the facts or issues. The participant must file the request with the OTS and send copies of the request to other participants in the informal meeting.

**§ 516.180 What procedures govern formal meetings on applications?**

(a) *When will the OTS hold a formal meeting?* The OTS will not grant a request for a formal meeting unless an informal meeting has been conducted under § 516.170. The OTS will grant all requests for a formal meeting filed under § 516.170(e). The OTS may also hold a formal meeting on its own initiative, if it determines that written submissions and informal meetings are

insufficient to adequately present issues or facts to the OTS, or that a formal meeting would otherwise benefit the decisionmaking process. The OTS may limit the issues considered at the formal meeting to issues that the OTS deems relevant or material.

(b) *How will the OTS announce the formal meeting?* The OTS will issue a Notice of Formal Meeting that will state the subject and date of the filing, the time and place of the formal meeting and the issues to be addressed. The OTS will send the Notice to the applicant and any person requesting a formal meeting under § 516.170(e). The OTS may also invite other interested persons to participate in the formal meeting by sending the Notice to such persons.

(c) *Who may participate in the formal meeting?* A person receiving a Notice must notify the OTS of its intent to participate within ten days after the OTS issues the Notice. At least five days before the formal meeting, all participants in the formal meeting must provide the names of their witnesses and copies of proposed exhibits to the OTS, the applicant, and any other person designated by the OTS.

(d) *Will the formal meeting be transcribed?* The OTS will arrange for a transcript. Each participant must bear the cost of any copies of the transcript it requests for its use.

(e) *What procedures govern the conduct of the formal meeting?* (1) The OTS will appoint a presiding officer to conduct the formal meeting. The presiding officer is responsible for all procedural questions not governed by this section. Subject to the rulings of the presiding officer, a participant may make opening statements and present witnesses, material and data. If a participant presents documentary material, it must furnish copies of the material to the OTS and to each other participant. The OTS may keep the formal meeting record open for additional information for up to 14 days following the receipt of the transcript.

(2) The Administrative Procedure Act (5 U.S.C. 551 *et seq.*), the Federal Rules of Evidence (28 U.S.C. Appendix), the Federal Rules of Civil Procedure (28 U.S.C. Rule 1 *et seq.*) and the OTS Rules of Practice and Procedure in Adjudica-

tory Proceedings (12 CFR part 509) do not apply to formal meetings under this section.

**§ 516.190 Will a meeting affect application processing time frames?**

If the OTS has arranged a meeting, it will suspend applicable application processing time frames, including the time frames for deeming an application complete and the applicable approval time frames specified in § 516.2 or 516.3. The time period will resume when the OTS determines that a record has been developed that sufficiently supports a determination on the issues raised in the comments.

**PART 517—THE MINORITY, WOMEN, AND INDIVIDUALS WITH DISABILITIES OUTREACH PROGRAM: CONTRACTING FOR GOODS AND SERVICES**

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AUTHORITY: 12 U.S.C. 1833(e); 42 U.S.C. 12101 *et seq.*

SOURCE: 58 FR 33324, June 17, 1993, unless otherwise noted.

**§ 517.1 Purpose and scope.**

The purpose of the OTS Minority-, Women- and Individuals with Disabilities-Owned Businesses Outreach Program (Outreach Program) is to ensure that firms owned and operated by minorities, women and individuals with disabilities are given the opportunity to participate to the maximum extent possible in all contracts entered into by the OTS. Sections 517.5 through 517.7 of this part apply to all contracting activities, with the exception of contracting for legal services, engaged in by OTS in any of its capacities, for all OTS functions authorized by law. These contracts will typically pertain to services in support of OTS's business operations, such as consulting, programming, auditing, expert witnesses, customized training, relocation services, information systems technology